Court No.3

Criminal Revision No. 524 of2001
(Old No. 531/1994)

Karnail Singh and others ..Revisionists,\.

Vs.

State and others ..Respondents.

Hon'ble Irshad Hussain, J.

None appeared for the revisionists. Heard Sri G.S. Sandhu learned A.G.A. and persued the record.

The summoning order in criminal case No. 26/1994 under section 60 Excise Act was passed on 6.1.1994 on the basis of the charge sheet filed in the Court. From the perusal of the order it appears that the learned Magistrate had not taken into consideration the provisions of U.P. Seera Niyantran Adhiniyam, 1964 and relevant provisions before passing the summoning order on the charge sheet. Therefore the summoning order does snot appear to be speaking one and the same not being just and proper is liable to be set aside. After considering the relevant material and the provisions of the said Act the learned Magistrate shall pass fresh order in the said case.

In view of above the impugned order dated 6.1.1994 is set aside and the matter is remanded for consideration afresh and to pass order accordingly.

(Irshad Hussain, J.)

Dated 9-9-2003

ISB